

Exhibit 23




U.S. Department of Justice
Federal Bureau of Prisons


Washington, D.C. 20534

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MEMORANDUM FOR ALL CHIEF EXECUTIVE OFFICERS

FROM:


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SUBJECT:

CORONAVIRUS (COVID-19) PHASE SIX ACTION PLAN

To ensure comprehensive understanding of the BOP's COVID-19 Phase Six Action Plan, we reiterate herein previously disseminated guidance along with new measures for implementation in managing the evolving pandemic. Effective immediately, the following preventative measures are mandated for all Bureau locations.

EXTENSION OF PHASE FIVE ACTION PLAN:

Effective, Monday, April 13, 2020, the Bureau will continue its nationwide action as described in the Phase 5 Action Plan, to minimize movement and decrease the spread of the virus. This extension - which applies to medical screening, limited inmate gathering, daily rounds, limited external movement, and fit testing - will remain in place until May 18, 2020, at which time the action will be reevaluated.

HIRING:

Hiring initiatives are paramount to the Bureau's mission to address shortages in key positions and locations. Emphasis must be placed in prioritizing the hiring of Correctional Officers. Wardens will ensure Human Resource Departments are fully engaged in processing new applicants into the agency. As a reminder, all applicants who enter the institution should undergo the same COVID-19 screening and temperature check as staff, contractors, and visitors.

TRAINING:

All staff training is suspended through May 31, 2020, with the exception of *"Introduction to Correctional Techniques - Phase I"*, and any training that can be conducted remotely to fulfill ongoing mandatory

credentialing requirements that cannot be waived during this pandemic. Any other exceptions to this suspension must be routed through the appropriate Assistant Director or Regional Director, and submitted to the Deputy Director for final approval.

OFFICIAL STAFF TRAVEL:

Official staff travel, with the exception of the deployment of staff to institutions to assist with the COVID-19 pandemic, is suspended through May 31, 2020. Any exceptions to this suspension must be routed through the appropriate Assistant Director or Regional Director.

SECONDARY LAW ENFORCEMENT STAFF:

Secondary Law Enforcement Officers located throughout the agency will be deployed to assist with staffing shortages in field locations. Wardens requiring supplemental staff to cover vacancies will submit a written request to their Regional Emergency Operations Center (EOC). Once approved by the Regional Director, the request will be forwarded to the National EOC for scheduling, notifications, and travel arrangements.

LOGISTICS:

Wardens must continually assess and account for their supply and equipment inventories and plan for an extended crisis period by increasing normal supply inventories to the greatest extent possible. Emphasis for assessment should be placed on Personal Protective Equipment (PPE), food, medicine, cleaning supplies, and emergency-related equipment. PPE supplies may be requested first through the region and then from the National EOC.

SOCIAL VISITS:

Social visits will continue to be suspended until May 18, 2020, at which time the suspension will be reevaluated.

LEGAL VISITS:

Legal visits will continue to be suspended until May 18, 2020, at which time the suspension will be reevaluated.

Wardens are reminded that access to legal counsel remains a paramount requirement and must be accommodated to the maximum extent practicable. Although legal visits are suspended until May 18, 2020, case-by-case accommodations for in-person visits should be made at the local level. Attorneys should be encouraged to make requests through each facility's main email address found at www.bop.gov, telephonically, or by contacting the appropriate Consolidated Legal Center.

If approved for an in-person visit, the attorney must undergo a COVID-19 screening and temperature check, consistent with the procedures in place for staff, contractors, and visitors. Anyone with COVID-19 symptoms or a temperature $\geq 100.4^{\circ}\text{F}$ will not be allowed to enter the facility. When performing screening activities, staff or contractors will wear PPE according to Bureau and CDC guidance.

The authority to approve and/or deny legal visits will not be delegated below the Warden and/or his/her designee.

Facilities should offer as an alternative a legal visit via video conferencing. The BOP's VTC infrastructure can support a connected call through the Administrative Office of the US Courts bridge and can connect to external callers using WebEx or Jabber. If your field site has questions about how to do so, the local IT staff may contact the Computer Services and Administration Branch in Central Office.

CONTRACTORS:

Contractors performing essential services or necessary maintenance on essential systems will continue to be allowed to enter the facility, and must undergo a COVID-19 screening and temperature check prior to entry. Anyone with COVID-19 symptoms or a temperature $\geq 100.4^{\circ}\text{F}$ will not be allowed to enter the facility. When performing screening activities, staff or contractors will wear PPE according to Bureau and CDC guidance.

VOLUNTEERS:

Volunteer visits will be suspended until May 18, 2020, at which time the suspension will be reevaluated. Alternate means of communication, to include telephone calls and video conferences, may be considered for inmates who request to speak with a religious advisor.

QUARANTINE AND ISOLATION:

Quarantine will be used for the following reasons for inmates who are asymptomatic for COVID-19:

- 1) All new admissions to a Bureau facility and all returns to a Bureau facility.
 - This includes all new intakes, detainees and commitments, writ returns, parole violators, and hospital returns, regardless of their mode of arrival (e.g., voluntary surrender, U.S. Marshals Service / Justice Prisoner and Alien Transportation Service, Customs and Border Patrol, and Immigration and Customs Enforcement).
 - Bureau intra-system transfers who have already been in Bureau population more than 14 days should be screened and temperature checked for COVID-19 before departure. They ordinarily do not require quarantine at their gaining facility if there are no active or suspected COVID-19 cases at the sending facility, and they did not come in contact with any other inmates from another facility during transfer to the gaining facility.
- 2) All close contacts of a confirmed or suspected case of COVID-19.
- 3) All inmates releasing to a Residential Reentry Center (RRC), Home Confinement (HC), or Good Conduct Time/3621e/Full Term release.

At the time of placement in Quarantine, inmates will have a COVID-19 symptom screening and a temperature check. Those with COVID-19 symptoms or a temperature $\geq 100.4^{\circ}\text{F}$ will be placed in Isolation. ***All inmates in Isolation will be placed in a single cell. Any deviations from this housing will be immediately reported to the Regional and National EOCs.*** All inmates in Quarantine or Isolation will be monitored and managed according to Bureau and Centers for Disease Control and

Prevention (CDC) guidance. PPE will be worn by staff when in contact with quarantined or isolated inmates as recommended in this same guidance.

Quarantine is ordinarily continued for 14 days unless the quarantined inmate becomes symptomatic or is cohorted with someone who becomes symptomatic.

Criteria for release from isolation for COVID-19 may be determined using a test-based or a symptom-based strategy. Using a test-based strategy, an inmate may be released from isolation when:

- Fever has resolved without the use of fever-reducing medications, *and*
- Respiratory symptoms have improved, *and*
- A molecular test for Sars-CoV-2 is negative on two occasions at least 24 hours apart.

Using a symptom-based strategy, an inmate may be released from isolation when:

- Fever has resolved for 72 hours without the use of fever-reducing medications, *and*
- Respiratory symptoms have improved for at least 72 hours, *and*
- Seven days or more have passed since the onset of symptoms.

EXIT SCREENING OF INMATES:

All inmates will be screened for COVID-19 symptoms and undergo a temperature check prior to leaving the facility. Inmates with COVID-19 symptoms or a temperature $\geq 100.4^{\circ}\text{F}$ will be placed in isolation. All staff or contractors who perform screening activities will wear PPE according to Bureau and CDC guidance.

OUTSIDE TRIPS FOR HEALTH CARE:

Outside trips for health care should be limited to urgent and emergent health conditions. All routine outside health care should be postponed when clinically appropriate to do so.

PERSONAL PROTECTIVE EQUIPMENT:

Appropriate PPE for COVID-19 must be worn by staff or contractors according to Bureau and CDC guidance and may include gown, gloves, surgical mask or N-95 respirator, and face shield or goggles, depending on the situation. Recommended PPE guidance may be found at http://sallyport.bop.gov/co/hsd/infectious_disease/covid19/covid19_guidance.jsp#1_5

FACE COVERINGS:

All staff and inmates will be issued and strongly encouraged to wear an appropriate face covering when in public areas when social distancing cannot be achieved.

FOOD SERVICE:

Institutions with active COVID-19 transmission (especially Care Level 3 and 4 Institutions) should satellite feed all inmates in their units. Meals, eating utensils, and drink-ware should only be served by staff

wearing proper PPE. When meals are being distributed, a distance of six feet between inmates should be observed.

INFECTION PREVENTION AND CONTROL PRACTICES:

Rigorous infection prevention and control practices are essential to contain and mitigate the spread of COVID-19. These practices include identifying symptomatic inmates as early as possible by assessing for COVID-19 symptoms and conducting a temperature check at intake screening, exit screening, during a contact investigation, and broader screening initiatives, (e.g., daily screening or other methods of enhanced surveillance at institutions affected by COVID-19, in consultation with the Regional Quality Improvement/ Infection Prevention and Control Consultant). Institutions should also encourage early reporting of symptoms by inmates and provide them opportunities for medical evaluations. When indicated, a contact investigation should be performed for cases of COVID-like symptoms, in consultation with the Regional Quality Improvement/ Infection Prevention and Control Consultant. Isolation is mandatory for any inmate with COVID-like symptoms. PPE must be worn in accordance with CDC guidance. Recommended guidance can be found at

http://sallyport.bop.gov/co/hsd/infectious_disease/covid19/covid19_guidance.jsp#1_5

Good hand and health hygiene practices are strongly encouraged and include washing hands regularly with soap and water for at least 20 seconds, covering a cough or a sneeze, avoiding touching the face or shaking hands, limiting contact with high touch surfaces, and staying home when sick.

Social distancing should be practiced whenever possible. Strategies for accomplishing this should be evaluated, especially in open bay / barracks-style living quarters.

At all institutions, compartmentalization of staff and inmate movement will continue to help slow the cross-contamination of work spaces and housing units. This restriction includes limiting supervisor and manager movements for rounds to specific locations. During this period, staff post assignments shall not be changed unless to fill behind a vacant post. Changes in shift hours is permitted provided the shift location remains the same.

Regular cleaning and disinfection of units and high touch surfaces should be emphasized to the inmate population. Wardens must ensure cleaning supplies are readily available for all inmates. Institutions without any known COVID-19 cases should take proactive infection prevention and control measures, while institutions with COVID-19 cases will need to modify delivery of health care services in accordance with guidance from the Bureau Medical Director.

PANDEMIC PREPAREDNESS:

All institutions should continue to review and update pandemic plans to include identifying locations for quarantine and isolation of potentially large numbers of inmates, purchasing appropriate supplies, and planning for potentially severe staffing shortages and moderate-to-severe disruptions of normal operations. All institutions should make contact with local health authorities and community health resources to plan for limited or widespread institution transmission of COVID-19.

FIT TESTING:

In the March 31, 2020 Phase Five memo, all positions within the agency were mandated to comply and participate in the respiratory protection program as stated in Program Statement 1600.11, Chapter 3 Section 2, Respiratory Protection. It is mandatory that all staff complete the training to ensure maximum numbers of staff are available on each shift to meet the anticipated needs throughout this public health emergency.

This participation includes the completion of the "OSHA Medical Questionnaire" for medical review and clearance followed by training and proper fit-testing for the following respirators:

- N-95.
- Scott M-120 full face respirator (Gas Mask).
- Scott AV-3000 sure seal face piece (Scott Air-Pak 75 SCBA).

Upon completion of the initial training and fit-testing, staff must maintain a state of readiness to use a respirator at all times, to include absence of facial hair that would interfere with the seal of the respirator. Failure to do so may result in disciplinary action. This requirement will remain in effect throughout the duration of the public health emergency.

Individuals who are unable to obtain medical clearance must request accommodation, in accordance with Program Statement 3720.03, Reasonable Accommodation Program.

LIMITED MOVEMENT:

The Bureau will continue to coordinate with the U.S. Marshals Service to significantly decrease incoming movement. Strategic institutions have been identified for mandatory movement needs; these locations will include all detention centers and key locations located throughout the country to accommodate population increases. These areas will serve as quarantine sites until such time inmates can be moved to their final destination.

Internal movement will continue to be suspended. Exceptions to this restriction are legally-required transfers related to forensic studies, writs, Interstate Agreements on Detainers, medical or mental health reasons, and RRC/HC placements. Medical trips for treatment will still continue, as necessary (see Outside Trips for Health Care section above).

Any exceptions must be routed through your Regional Director for approval by the Assistant Director, Correctional Programs Division.

QUESTIONS:

If staff have questions about COVID-19, they may reach out to the agency at the following email box: COVID19Questions@bop.gov.

We appreciate your assistance in this significant phase of our COVID-19 response.